

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Monday, May 10, 2010

Immediately Following Previous Committees or

7:30 PM

Council Committee Rooms

Committee of the Whole

Shane Ewald, Chair

Beryl D. Anderson

Thomas R. Kneeland

Brian Larick

John R. McAlister

Nancy McGregor

David L. Samuel

Members Absent: Shane W. Ewald

Members Present: John McAlister, Nancy R. McGregor, Beryl D. Anderson, Thomas R. Kneeland, David L. Samuel and Brian Larick

Additional Attendees:

Mike Andrako, Terry Emery, Dottie Franey, Karl Wetherholt, General Williams, Angel Mumma, Mayor Stinchcomb, Brandi Braun, Sadicka White, Leah Evans, Anthony Jones, Tom Weber, Isobel Sherwood, Chief Murphy, Kristen Treadway, Dave Schroeder, Judy Glenn, Stephen Renner, Press

ISSUES - From Previous Committee Nights:

2009-0051

Recommendation from Civil Service Commission for approval of revised Rules & Regulations dated December 1, 2009.

Kneeland called the meeting to order; said the first agenda item is from a previous meeting and is the discussion of the revisions of the Civil Service Rules & Regulations that we started about a month ago; the latest document is a combination of what the Civil Service Commission did some months ago and recommendations from the administration.

Anderson asked when was the document updated; as I have said before, unless it was provided to Sherwood and she sent it to me, I have not seen it and am not prepared to discuss it; if you want me to see information, you have to give it to Sherwood and if it is critical, call me.

Kneeland said it is a copy of the Civil Service Rules & Regulations with the revisions done to the original proposal over many years. Schroeder said we did the latest review over 17 months. Kneeland said there has been constant review; this now includes proposals from the administration; I personally, and I asked other Council members to do likewise, have met with 4 commission members and have had discussions with them; I have done my own research at the county, state, and municipal levels; and now, with the inclusion of the HR (Human Resources) Department's suggestions, we need to eliminate conflicting rules as originally proposed by Civil Service and include those from the administration; then if there is a need, we can request a Charter change to show the Civil Service Commission as an Appellate Board; if anyone on the Commission has comments, we would like to hear from you.

Glenn said I did not meet with you prior to this; didn't we recently request the Charter change and it did not pass voters in the last election. Treadway said it passed in November; the previous November it did not pass, but we did not market or explain the change; now we have a Public Information Manager and it was well explained and passed handily. Kneeland said one of the issues we differed on from HR was on the testing piece with written exams.

Samuel said on page 9, Section (f) there may be a mistake; shouldn't the completeness be reviewed by the Director of HR. Sherwood said since the Commission doesn't see the application, it should say the Director HR in 2 places in that paragraph including right at the beginning. Samuel said in line 5, it should say Director of HR; in the previous document, I had a lot of concern that the process would slow down hiring and transfers; we wanted the City to modify it to make it more time relevant; I work under Civil

Service and see the need to make it more effective. Treadway said that is what we thought; we did take Commission out, and then added HR in bold type; we put in language and did strikethroughs and it was with the goal to be more effective. Samuel said with HR involved, what role does Civil Service play. Treadway said in order to keep them, the administration felt they could be neutral and have the appeals policy. Samuel said Section 1.10 on page 3, is "probationary period" original language or changing; should those be capitalized. Sherwood said yes; the last sentence should be all caps and 1.11 should be all caps.

Anderson said on page 16, the probationary period; I want to know the rationale for Section 5.1; it says a performance appraisal no less than every 12 months; are they evaluating the probationary period with that. Treadway said we do it first at 6 months and annually after that. Anderson said this language does not say that; if there is an evaluation at 6 months then that information should be included. Sherwood said we tried to keep this as general as possible; if a policy changes based on a union contract we didn't want to have to go back and change the rules; we thought the "when and deemed as advisable" covered the probationary period and salary would be covered in the salary ordinance. Anderson said then in that case, the broad phrase "but no less than every 12 months" should mean to do one at least annually. Sherwood said the 6 month review is not here, it is in the salary ordinance; this is the Rules. Anderson said do people know that. Treadway said we say it when people are hired in and it is in their offer letters; they know they are getting a 6 month review and it will determine if they keep their job and get a raise. Anderson said so speaking for fairness of understanding, the 2 documents should go in concert. Kneeland said this is fair to those employees who get the salary ordinance; Civil Service Rules are directed to department heads, not employees. Weber said this is the obligation of department heads. Anderson said to provide an evaluation annually. Treadway said we have a policy on that; they should be able to know in writing annually. Anderson said my next question is on page 19; why is "Transfers" deleted. Treadway said the administration removed that; what we have always done with Council and the Administration is like when RITA (Regional Income Tax Authority) caused a job loss; we take the transfers to Civil Service first; then to Council to move on it. Kneeland said I would clarify that the majority of employees are also covered by bargaining units and the unions come first; transfers are covered by the unions; the meetings with the unions come first; I guess this becomes a conflict when they can't transfer between bargaining units. Treadway said it can be very difficult because of what the different unions cover. Weber said if the contract conflicts with the rules, the contracts have precedence; we felt the contract covered this item.

Anderson said on page 26, why is there a line through of the last 2.5 lines of Section 11.02. Treadway said this says "Appointing Authority" but the Mayor and the Safety Director should be determining this; the union contracts and binding arbitration prevail; it should be left to the administration to determine this and then it can be grieved and go to arbitration.

Anderson said on page 29, do we have a plan for the record retention if you take this out per the strikethrough. Treadway said we felt sending this information to Civil Service for FYIs is creating files; we have the file; if they want to see it we would produce it and give it to them; these are not public records; not for everyone to see; we felt most are not a necessary request; as for the Position Creation, we take the job description to Council, and get it approved, then get it funded through Council so sending it through Civil Service is another unnecessary step; it is the same issue on page 34 Section 16.04 Conduct of Examinations; all exams should be conducted under the Director of HR. Sherwood said and one city employee. Anderson asked who makes the determination of who the city employee will be. Treadway said HR has not determined that before; we know it would be our duty to be there so HR would determine who would be there based

on the test being given.

Kneeland said does anyone else have comments; we can continue this at the next committee, then move forward.

Schroeder said I am one of the Civil Service Commission members and was a member of the group that was the architect of the changes presented by the Commission; we do agree with the current administration that these new rules and regulations mean new responsibilities; but I have a difficult time understanding how the Commission Designee can lose the authority and HR can take over testing without the Charter being changed; this change is specific and can determine selections provided this is approved by Council; we are going to assume rules that are different than Charter; under the rule of law, I have difficulty transferring this authority without the benefit of a Charter change; I would ask the HR Director what part of the Charter gives us the authority to designate another person to this position; I would caution Council to tread lightly until a Charter change can be set forth; I do agree that eventually the Commission will play a new role; but I feel you have the cart before the horse by not considering what is set forth in the Charter; we will be happy to review the changes in the document as recorded tonight, but I have a personal problem with passing this without the Charter change; I believe we are saddled with this until it is changed.

Weber said I would respectfully disagree; Section 13.04 gives the Commission the power to adopt rules; if you adopt a rule to delegate power, you have performed within your power; you don't have to do each task; the Charter language is nebulous; it talks about adopting rules but certain powers are not solely reserved as the responsibility of the Commission; nothing in here prevents us from streamlining the process and giving more authority to HR if it is easier or better for the Director to determine certain functions; we also need to streamline parts of Charter but we don't have to wait for a Charter change to effectively create definitions; if you want the HR Director or designee to take the test functions, the Charter doesn't prevent that. Schroeder asked Weber do you agree a Charter change is applicable. Weber said it is appropriate to streamline it to define the Commission's function as a true appellate board; I do want a Charter change, but as for your rule making authority; you have that power now. Mayor said if you want the Charter Review Commission to take this on, next year is the year for it; Council also has the ability to put a change o

Kneeland said I am glad the Review Commission was brought up; this is probably not an issue to put on the ballot because it costs about \$12,000; we could have it on the Review Commission even if it is an inconvenience to wait, but then we would not have to bear the cost. Samuel said the cost is more like \$20,000. Sherwood said it is \$8,00 to \$1200 per precinct and there are 34 precincts.

Renner said I have a need to speak up; I highly respect Schroeder; but I was delighted to hear Weber give his opinion; as a county employee versed in the ORC (Ohio Revised Code), I would resist going to a Charter change and go with a hybrid approach; why don't we try the hybrid approach since the majority of Ohio is doing this new version of Civil Service; I feel it is the right direction and we should try it. Larick said what is the risk; assume that there is a problem, what would it be. Weber said with the hybrid approach we would change the rules based on the recommendation of the administration and with 5 votes of Council and the recommendation of the Commission. Kneeland said the issue would be with the appeal process. Weber said if the Commission is going to handle appeal functions and be a board and adopt rules for that, then change the Charter, but for now don't do it; then do specifics by ordinance.

Mayor said I agree with what could be the risk; there is no real risk; someone may complain. Schroeder said it is a valid question; comes down to how I feel as a citizen, the Commission gives the appearance of oversight of the government; Commission members are not elected but are private citizens interested in government; I would think the down side, although not litigation, would be to maintain the appearance that Civil Service is playing a role in the oversight of the local government; in my short stewardship, things have come to us and we have said what was fair in helping an employee. Mayor said that is not going to change; right now we have the same people doing the test as they would use for an appellate board. Schroeder said I had the experience of being at a test when an elderly gent showed up to take it; we had no records for him; it was the decision of the Commission member present to let him; we are there at a grass roots level; he did fill out a blank application we had; will the HR designee have any authority like that. Mayor said yes, if you delegate this function per the rules, they w

Kneeland said I understand the difficulty of this; Council gets the point; but we have to rely on the City Attorney's opinion; I would ask Weber to give us a written opinion; then we can justify this and have documentation in the form of a written opinion. Schroeder said I also went to an attorney and had this reviewed; I had a concern and he loaded my gun for me; I know we rely on Weber but I would be remiss if I didn't bring my concerns to Council. Kneeland said it has been good dialogue. Schroeder said in most cases we get along with HR. Anderson said there is a saying in law "reasonable minds can differ." Weber said can differ and often do. Kneeland asked if there were any more comments; if not, we will continue this to the next committee meeting and hope to bring some closure to it then; the Commission's work has given us the model to build on and we will end up with a good final product; Weber will provide a written opinion.

Recommendation: Weber to provide a Written Legal Opinion; Return to Committee in 2 weeks.

Contract - Website Redesign

Discussion Postponed to Finance Committee on May 24, 2010.

ISSUES - From City Engineer:

2010 Street Program

Wetherholt said we are requesting permission to bid the 2010 Street Program as listed in your report; we are proposing to overlay Hamilton Road from Allanby Court to Sycamore Woods and Stygler Road from Prince of Wales Drive to the northern boundary; these 2 streets are eligible for County Permissive Tax Funds so it won't affect the General Fund other than a pass through; that is where we get the bids in, use the General Funds to do the program and then reimburse; the other item is the Headley Park entrance drive; this is in the Parks budget and then a very small amount of money for ADA (Americans with Disabilities Act) ramps that are deteriorating and that we have received calls about; that is the program.

Anderson said I have started getting calls about Johnstown Road; it is May and they want to know about the work beginning after the winter delay. Wetherholt said the curbs were poured last week and today; if we have enough non-rainy weather we will get the asphalt done; the trail will go in on west side; it will be open to traffic in a few weeks. Andrako said it will be completed and open by the end of the month, weather permitting.

Recommendation: Motion Resolution on Consent Agenda.

ISSUES - From Director of Development:**Department of Planning & Development Presentation - Part 3**

Evans said she would provide a power point presentation for Business Attraction, Retention and Expansion, White would then provide the Department's 2010 Goals and Objectives; a copy of the presentation is available in the Council Office.

Questions:

Anderson said can you put the numbers in context from the slide on Business Attraction Inputs; are we up or down compared to the past. White said not only is lead initiation down; quality is down; for example we got a regional lead that asks does anybody have 5,000 square feet of office space for a company that will employ about 20 people, and what incentives will you give; this is not a lead we responded to; some are too big; we worked on one for 6 months for a company from New York; it was an internal lead; it would be a call center that pays high wages; they wanted low rent and for us to buy them out of a lease 3 states away as well as a tax abatement and furniture provided; and we would still have to do the school compensation; we responded but they didn't come; so my point is we are not getting good leads. Anderson said why is that down and by how much. White said I have not done that kind of analysis; I can do that and put it in a report for you. Anderson said how much does the website affect where are you going with leads; help us understand how that is necessary to provide higher quality leads. White said 83% of leads are on the internet; we went to New York to see site selectors; we asked why are you not considering locations in our region; you are missing huge opportunities; they were asked what do you think about Columbus; they replied it is a rust belt, backwards community so we don't think about Columbus; he hadn't looked at us at all; when you say new development you think of Austin or North Carolina or Indianapolis or Seattle; you know the top 10; we ought to be in the top 15 as we have wonderful assets; but no one knows; job creators overlook our region where they could prosper; one company coming here could elevate the region; it will be huge; regionally we are provided invaluable resources so we stay with the regional organizations; you can see we had 775 leads; we only responded to a third of them.

Samuel said are financial conditions improving; is access to capital improving. White said we have studied the issue and met with banks; what we are seeing is it is not about credit; it is more about if you are not in the right industry; if you are a start up and a small operation they are not lending; there are some state programs and government partnerships with federal interventions; without it nothing would go forward; we are trying to find ways to help shore it up from with the Development Department; we have to help businesses locally with their operations; if a developer came in and said I will build here and then went to the bank, they would want to know if he had a tenant, and if the tenant was not a doctor or a business with a AAA rating they are not going to loan them the \$3-400,000 necessary; my recommendation to help this situation is to consider a Development Fund; that is where we have local capital to incent and provide opportunities to help new and existing business meet these needs. McAlister asked where would the money to fund this Development Fund come from. White said I am not prepared at this time to go deeper into this; I will be glad to do a presentation at the next committee meeting if that is ok with the administration. Kneeland said I think it is a good idea and it would be appropriate for Council to hear the presentation. Mayor said I think we can do a presentation on the concept at this time.

Larick said I have a question on the timeline; where have we been and how have we progressed. White said could you be more specific about what you want; I can put a together a report; I just need to be clear on what you are looking for. Larick said this would be information on how the economic picture has decreased and changed over the last 5 years. Anderson said I was looking for that same information but would rather see it over 10 years; I would like a report to show from whence we have come and then the

new projects; I need to see the process and have the background to determine where to go with things. Larick said information on how things have changed; some information on what conditions were like at the time and what the perspective was. Kneeland said that could be an overlay of the financial slides. White said I will pull it together. Anderson reminded Council that all emails and information sent to her need to also go to Sherwood for printing and distribution as she is unable to read email at this time.

Meeting Adjourned.

Della Brandenberger, Reporting